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MINUTES OF THE REGULAR COMMISSION MEETING OF THE MICHIGAN PUBLIC SERVICE COMMISSION HELD IN ITS OFFICES ON FEBRUARY 8, 2011

Commission Chairman Orjiakor N. Isiogu called the meeting to order at 1:30 p.m.
Executive Secretary Mary Jo Kunkle called the roll and declared there was a quorum.

PRESENT

Commission: Orjiakor N. Isiogu, Chairman
Monica Martinez, Commissioner
Greg R. White, Commissioner

Staff: Margaret Rost
Judy Palnau
Mary Jo Kunkle
Catherine Bowers
Cindy Swix
Robin Ancona
Anne-Marie Clark
Tim Witt
Susan Corbin
Bret Totoraitis
Brian Farkas
Paul Proudfoot
Dan Blair

Public: Robin Gleason, AT&T
David E.S. Marvin, Fraser Trebilcock Davis & Dunlap
Michael E. Cavanaugh, Fraser Trebilcock Davis & Dunlap
Lisa Delacy, Consumers Energy
B. K. Roberts, Consumers Energy
Shaun Johnson, Dykema Gossett
Suzy Denison, MEGA
Kwafo Adarkwa, ITC Holdings
Jim Padgett, DTE Energy
Tim Hoffman, Consumers Energy

- I. Chairman Isiogu announced an amendment to the published agenda, Section III A, Item #6, Case No. U-16251 was deleted, Commissioner Martinez moved to approve the amended agenda, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White
Nays – None

The amended agenda was approved.

- II.** Commissioner Martinez moved to approve the minutes of the Regular Commission Meeting of January 20, 2011, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White
Nays – None

The minutes were approved.

III. ORDERS

A. COMMUNICATIONS

1. MINUTE ACTION FRONTIER NORTH INC. AND FRONTIER MIDSTATES INC.
(wireless emergency service costs – Case No. U-14000)

Commissioner Martinez moved that the Commission adopt and issue minute dated February 8, 2011 finding that the attached Frontier North Inc. and Frontier Midstates Inc. invoice nos. M19NZMTS911 and M19NGMTS911, for the period of September 1, 2010 to November 30, 2010, is for wireless emergency service costs recoverable under 2007 PA 165, MCL 484.1408(4)(b), and consistent with the Commission's order dated June 29, 2004 in Case No. U-14000. The Commission approves the attached invoices in the amount of \$168,485.61 for reimbursement by the Michigan Department of Treasury, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White
Nays – None

The minute was adopted.

2. U-11297 A.R.C. NETWORKS, INC.
(license surrender)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2011 which involves a request by A.R.C. Networks, Inc., to surrender its license to provide basic local exchange service. The order before you grants the request, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White
Nays – None

The order was adopted.

3. U-15217 COMMPARTNERS, LLC
(license surrender)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2011 which involves a request by CommPartners, LLC, to surrender its license to provide basic local exchange service. The order before you grants the request, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White
Nays – None

The order was adopted.

4. U-16183 COMMISSION’S OWN MOTION
(access rate restructuring mechanism)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2011 which is a proceeding commenced on the Commission’s own motion to provide guidance and direction to telecommunications providers regarding the implementation of 2009 PA 182. The order before you notes the current insufficiency of the contribution rate to meet the obligations of the access rate restructuring mechanism and directs the Commission Staff to update the online form to reflect the Commission’s determination in this order to increase the contribution rate to 0.620% beginning with the April 13, 2011 contributions, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White
Nays – None

The order was adopted.

5. U-16250 COMMISSION’S OWN MOTION
(telecom arbitration rules)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2011 which involves the adoption of new rules codifying existing telecommunications arbitration and mediation procedures. The order before you formally adopts the rules for the arbitration of interconnection agreements and the mediation of complaints, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White
Nays – None

The order was adopted.

6. U-16474 TALK AMERICA, INC., d/b/a CAVALIER TELEPHONE, AND LDMI
TELECOMMUNICATIONS, INC., d/b/a CAVALIER TELEPHONE v SPRINT
COMMUNICATIONS COMPANY, L.P.

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2011 which involves the complaint of Talk America, Inc., d/b/a Cavalier Telephone, and LDMI Telecommunications, Inc., d/b/a Cavalier Telephone, against Sprint Communications Company, L.P. The order before you dismisses the complaint, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White
Nays – None

The order was adopted.

7. U-16537 BIRCH TELECOM OF THE GREAT LAKES, INC. d/b/a BIRCH
COMMUNICATIONS AND AT&T MICHIGAN
U-16538 U.S. METROTEL, LLC, AND AT&T MICHIGAN
(interconnection agreements and amendments)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2011 which requests Commission approval of interconnection agreements or amendments. The order before you approves the requests, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White
Nays – None

The order was adopted.

B. ELECTRIC

1. U-15919 COMMISSION’S OWN MOTION
(notice and opportunity to comment)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2011 which involves the Commission’s own motion to approve procedures and forms for use with the interconnection and net metering programs.

The order before you provides notice to any interested party of an opportunity to comment, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White
Nays – None

The order was adopted.

PRESS RELEASE ISSUED

2. U-16009 BARBARA A. BATES v DTE ENERGY COMPANY

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2011 which involves a complaint alleging accounting irregularities. The order before you directs The Detroit Edison Company to file a report within 90 days of the date of this order addressing accounting issues, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White
Nays – None

The order was adopted.

3. U-16358 THE DETROIT EDISON COMPANY
(EO reconciliation)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2011 which involves an application by The Detroit Edison Company for reconciliation of its energy optimization plan costs and revenues for 2009. The order before you approves the energy optimization plan reconciliation, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White
Nays – None

The order was adopted.

PRESS RELEASE ISSUED

4. U-16404 DENISE MICHELLE ALIDINAR v DTE ENERGY COMPANY

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2011 which involves the complaint of Denise Michelle AliDinar against DTE Energy Company. The order before you dismisses the complaint with prejudice, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White
Nays – None

The order was adopted.

5. U-16420 ALPENA POWER COMPANY
(’11 PSCR plan)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2011 which involves an application filed by Alpena Power Company for authority to implement a power supply cost recovery plan for the 12-month period ending December 31, 2011. The order before you approves a settlement agreement resolving all issues in the case, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White
Nays – None

The order was adopted.

PRESS RELEASE ISSUED

6. U-16458 HERBERT WILLIAMS v CONSUMERS ENERGY COMPANY

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2011 which involves the complaint of Herbert Williams against Consumers Energy Company. The order before you dismisses the complaint, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White
Nays – None

The order was adopted.

7. U-16541 COMMISSION’S OWN MOTION
(Low-Income Home Energy Assistance Program funding)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2011 which provides notice of a public hearing regarding the decrease in funds received through the Low-Income Home Energy Assistance Program, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White
Nays – None

The order was adopted.

PRESS RELEASE ISSUED

C. GAS

1. U-16249 PRESQUE ISLE ELECTRIC & GAS CO-OP
(closing docket)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2011 which involves an application filed by Presque Isle Electric & Gas Co-op for a times interest earned ratio ratemaking mechanism review for the 12-month period ended December 31, 2009. The order before you closes the docket in this matter, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White
Nays – None

The order was adopted.

2. U-16289 MICHIGAN CONSOLIDATED GAS COMPANY
(’09 EO reconciliation)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2011 which involves an application by Michigan Consolidated Gas Company for reconciliation of its energy optimization plan costs and revenues for 2009. The order before you approves the energy optimization plan reconciliation with modifications, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White
Nays – None

The order was adopted.

PRESS RELEASE ISSUED

3. U-16390 WISCONSIN PUBLIC SERVICE CORPORATION
(’11 GCR plan and factors)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2011 which involves the application by Wisconsin Public Service Corporation for approval of the gas cost recovery plan and factors for the 12-month period ending October 31, 2011. The order before you approves a settlement agreement resolving all issues in the case, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White
Nays – None

The order was adopted.

PRESS RELEASE ISSUED

4. U-16418 CONSUMERS ENERGY COMPANY
(self-implemented rate increase)

Commissioner White moved that the Commission adopt and issue order dated February 8, 2011 which is a general natural gas rate case proceeding filed by Consumers Energy Company on August 13, 2010. The order before you delays self-implementation of a rate increase, Chairman Isiogu seconded.

Vote: Yeas – Isiogu, White
Nays – Martinez

The order was adopted.

PRESS RELEASE ISSUED

D. MOTOR CARRIER

1. T-1862 SHEPLER’S, INC. v ARNOLD, ET AL

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2011 which involves a petition and complaint filed by Shepler’s, Inc., under the Carriers by Water Act, MCL 460.201 *et seq.*, regarding the need for the Commission to conduct an investigation into the rates, fares, charges, and tariffs of the ferry companies that intend to serve the communities of the City of Mackinac Island, the City of St. Ignace, and the Village of Mackinaw City during 2011. The order before you commences an investigation and schedules a prehearing conference for February 22, 2011, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White
Nays – None

The order was adopted.

PRESS RELEASE ISSUED

2. T-34445 PACKED-N-LOADED, LLC
(application for intrastate authority)

Commissioner Martinez moved that the Commission adopt and issue order dated February 8, 2011 which involves an application of Packed-N-Loaded, LLC, for original intrastate authority to transport household goods and general commodities between all points within the state of Michigan. The order before you dismisses the case without prejudice, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White
Nays – None

The order was adopted.

IV. PUBLIC COMMENTS

There were no public comments.

Chairman Isiogu announced that the next regularly scheduled Commission Meeting will be held on February 22, 2011.

Commissioner Martinez moved that the Commission adjourn, Commissioner White seconded.

Vote: Yeas – Isiogu, Martinez, White
Nays – None

The motion was approved.

The meeting adjourned at 1:44 p.m.

Mary Jo Kunkle
Executive Secretary